1 BEFORE THE POLLUTION CONTROL HEARINGS BOARD STATE OF WASHINGTON 2 3 IN THE MATTER OF THE CHEMITHON CORPORATION, 4 PCHB No. 138 Appellant, 5 FINDINGS OF FACT, vs. CONCLUSION AND ORDER 6 PUGET SOUND AIR POLLUTION CONTROL AGENCY, Respondent. 8 9

This is an appeal by The Chemithon Corporation from a civil penalty of \$100.00 (Notice of Civil Penalty No. 283) imposed by the Puget Sound Air Pollution Control Agency, based on Notice of Violation No. 5034, charging a visual emission on May 17, 1972 in violation of Section 9.03 of Regulation I for a period of 17 minutes having a Ringelmann scale of 2; color blue, also for airborne particulate matter in violation of Section 9.15 of Regulation I.

It came on for a formal hearing on September 20, 1972 before all members of the Board, with the Chairman, Walt Woodward, presiding.

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The appellant, The Chemithon Corporation, was represented by its President, Mr. Richard J. Brooks, and its Secretary, Mr. Cyrus W. Pichardson.

The respondent, Puget Sound Air Pollution Control Agency, was represented by its counsel, Mr. Keith D. McGoffin of Burkey, Marsico, Rovai & McGoffin. Mrs. Elinor A. Holloway reported the proceedings.

As is customary in appeals from civil penalties, the Puget Sound Air Pollution Control Agency presented its case first, calling five witnesses and introducing its Exhibits A, B, C, D, E, F and G. The appellant presented as its sole witness its President, Richard J. Brooks, and introduced its Exhibits A, B, C, D, E, F and H, its Exhibit G not being admitted.

On the basis of testimony heard and exhibits examined, and after having considered Exceptions filed, the Pollution Control Hearings Board makes these

FINDINGS OF FACT

I.

There was an emission of steam, particulate matter and soapsuds for a period of 17 minutes in the early afternoon of May 17, 1972 from a thirty foot stack (ten inches in diameter) on The Chemithon premises at 5430 West Marginal Way S.W., Seattle, Washington.

II.

The soapsuds dropped from the plume 150 feet to 200 feet to the north property of the plume at that point was 5 on the Ringelmann scale, and the plume 26 persisted 500 or 600 feet after the moisture left it.

27 FINDINGS OF FACT, CONCLUSION AND ORDER

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